

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**MICHAEL S. SMITH,**

**Petitioner,**

**v.**

**ALAN LAZAROFF, Warden,**

**Respondent.**

**CASE NO. 2:04-cv-606**

**JUDGE FROST**

**MAGISTRATE JUDGE KING**

**OPINION AND ORDER**

On November 21, 2005, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed and that petitioner's request for default judgment, Doc. No. 42, be denied. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. This case is hereby **DISMISSED**. Petitioner's request for default judgment, Doc. No. 42, is **DENIED**.

**IT IS SO ORDERED.**

/s/ Gregory L. Frost

GREGORY L. FROST

United States District Judge